

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

RECEIVED & FILED
04 MAY 21 PM 12:17
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.
Civil No. 97-2440 (JAG)

Rosa M. Lugo Torres, et als
Plaintiffs

v.

Walter Torres Maldonado, et als
Defendants

MOTION TO SHOW CAUSE

COME NOW, Gilberto Pérez Valentín, in his official capacity as Mayor of Maricao, in his own right, and very respectfully states and prays as follows:

1. On May 11, 2004 this Honorable Court, ordered to the Municipality of Maricao, show cause no latter than May 21, 2004, as to why did not comply with the established deadline and why has failed to deposit sanction in the amount of one thousand dollars (\$1,000.00) per day of each day of non-compliance after deadline.

2. We inform in our Informative Motion Concerning Settlement Payment dated November 26, 2003, neither the Municipality of Maricao nor this Mayor, know anything about this case or about the settlement in this case. We became aware about the settlement, when we received the Order of this Honorable Court, few days latter of the date issued.

3. In the same Motion, we inform to this Honorable Court that the above mention unknown situation, caused that the settlement payment was not included or contemplated in the budget of the Municipality of Maricao, approved on July 2003. Therefore, the Municipality of Maricao didn't have assigned, in its budget, the funds, to

make the payment of its share, in the case. Also, we inform to this Honorable Court, that the economic situation of the Municipality is very difficult and we didn't have the economic resources to make the payment in the period of time ordered. Maricao is one of the poorest towns in Puerto Rico.

4. To comply with the Order of this Honorable Court, the Municipality of Maricao explored various alternatives, included obtain an emergency loan from the Governamental Bank of Puerto Rico (BGF). We submitted the loan documents to the Bank and all the requirements to obtain the loan. Notwithstanding the procedures in the BGF taken more time, than we anticipated.


5. Concerning the delay in the approval of the loan, and the period of time that we had to comply with the Order of this Honorable Court, we take an extraordinary measure, and made two adjustment to the budget of the Municipality; to provided the funds, for the two (2) payments, that we all ready deposit in this Honorable Court. These adjustments to the Budget needed the approval of the Municipal Assembly. The Municipal Assembly is an autonomous branch of the Municipality. We don't have power of its calendar or legislative procedures. This whole situation caused the delay in the deposit of the payment, of the Order.

6. We beg to this Honorable Court, indulgence in regards to any tardiness or inconveniences that may ensue in the total payment of our share, in the settlement. Because the Municipality of Maricao have done everything in their power to obtain its share in the totally of the settlement in the period of time ordered, and have not been able to do so due to situations which are mainly out of its control; we prays to this Honorable Court, to release or excuse the Municipality of Maricao of the sanctions.

WHEREFORE, the Municipality of Maricao respectfully request and prays, to this Honorable Court, release or excuse the sanctions, for justified reasons..

IT IS HEREBY CERTIFIED: That a true and exact copy of this document was sent via fax on this day to Attorney Kenneth Colón, Civil Rights Legal Task Force, PR Department of Justice (787) 641-7477; Attorney Marta Vila, Sánchez Betances & Sifre, (787) 753-6580; Attorney Grisselle González, Facio & Pabón Roca (787) 777-0737; Attorney María Soledad Piñeiro Soler, (787) 758-4236; and to Attorney Eliezer Aldarondo (787) 759-7841.

In San Juan, Puerto Rico, this May 20, 2004.

x 
HON. GILBERTO PÉREZ VALENTÍN
Mayor
Municipality of Maricao
Apartado 837
Maricao PR 00606
Tel (787) 838-2290 Fax (787) 838-2520

RECEIVED & FILED
04 MAY 21 PM 12:17
CLERK'S OFFICE
U.S. DISTRICT COURT
SAN JUAN, P.R.